



General Assembly

January Session, 2023

Raised Bill No. 926

LCO No. 3118



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING PERSONS COMMITTED TO THE
JURISDICTION OF THE PSYCHIATRIC SECURITY REVIEW BOARD.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-593 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) The board, pursuant to section 17a-584 or 17a-592, may
4 recommend to the court the discharge of the acquittee from custody or
5 the acquittee may apply directly to the court for discharge from custody.
6 The court shall send copies of the recommendation or application to the
7 state's attorney and to counsel for the acquittee. An acquittee may apply
8 for discharge not more than once every six months and no sooner than
9 six months after the initial board hearing held pursuant to section 17a-
10 583.

11 (b) The recommendation or application shall contain the dates on
12 which any prior recommendations or applications for discharge had
13 been filed with the court, the dates on which decisions [thereon] on such
14 recommendations or applications were rendered, and a statement of
15 facts, including any change in circumstances since the determination on

16 the most recent recommendation or application, sufficient to qualify the
17 acquittee as a person who should be discharged. A recommendation by
18 the board shall contain findings and conclusions to support the
19 recommendation.

20 (c) If reasonable cause exists to believe that the acquittee remains a
21 person with psychiatric disabilities or a person with intellectual
22 disability to the extent that [his] the acquittee's discharge at the
23 expiration of [his] the acquittee's maximum term of commitment would
24 constitute a danger to himself or others or is gravely disabled, the state's
25 attorney may make application for commitment of the acquittee to a
26 hospital for psychiatric disabilities pursuant to part II of this chapter, at
27 least one hundred thirty-five days prior to such expiration, may petition
28 the court for an order of continued commitment of the acquittee.

29 (d) The court shall forward any application for discharge received
30 from the acquittee [and any petition for continued commitment of the
31 acquittee] to the board. The board shall, [within] not later than ninety
32 days after the date of its receipt of the application or petition, file a report
33 with the court, and send a copy thereof to the state's attorney and
34 counsel for the acquittee, setting forth its findings and conclusions as to
35 whether the acquittee is a person who should be discharged. The board
36 may hold a hearing or take other action appropriate to assist it in
37 preparing its report.

38 (e) [Within] Not later than ten days after the date of receipt of a
39 recommendation for discharge filed by the board under subsection (a)
40 of this section or receipt of the board's report filed under subsection (d)
41 of this section, either the state's attorney or counsel for the acquittee may
42 file notice of intent to perform a separate examination of the acquittee.
43 An examination conducted on behalf of the acquittee may be performed
44 by a psychiatrist or psychologist of the acquittee's own choice and shall
45 be performed at the expense of the acquittee unless [he] the acquittee is
46 indigent. If the acquittee is indigent, the court shall provide [him] the
47 acquittee with the services of a psychiatrist or psychologist to perform
48 the examination at the expense of the state. Any such separate

49 examination report shall be filed with the court [within] not later than
 50 thirty days after the date of the notice of intent to perform the
 51 examination. To facilitate examinations of the acquittee, the court may
 52 order [him] the acquittee placed in the temporary custody of any
 53 hospital for psychiatric disabilities or other suitable facility or placed
 54 with the Commissioner of Developmental Services.

55 (f) After receipt of the board's report and any separate examination
 56 reports, the court shall promptly commence a hearing on the
 57 recommendation or application for discharge. [or petition for continued
 58 commitment.] At the hearing, the acquittee shall have the burden of
 59 proving by a preponderance of the evidence that the acquittee is a
 60 person who should be discharged.

61 (g) The court shall make a finding as to the mental condition of the
 62 acquittee and, considering that its primary concern is the protection of
 63 society and its secondary concern is the safety and well-being of the
 64 acquittee, make one of the following orders: (1) If the court finds that the
 65 acquittee is not a person who should be discharged, the court shall order
 66 the recommendation or application for discharge be dismissed; or (2) if
 67 the court finds that the acquittee is a person who should be discharged,
 68 the court shall order the acquittee discharged from custody. The court
 69 shall send a copy of such finding and order to the board.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	October 1, 2023	17a-593
-----------	-----------------	---------

Statement of Purpose:

To allow the state's attorney to make application for commitment of certain acquittees to a hospital for psychiatric disabilities prior to the acquittee's discharge at the expiration of the acquittee's maximum term of commitment if the acquittee would constitute a danger to himself or herself or others or is gravely disabled.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

